Supreme Court, U.S.
FILED

CASE NO. 06-552

AUG 10 2006
OFFICE OF THE CLERK

IN THE UNITED STATES SUPREME COURT

TERM 2006

APP. CIV-06- 2233

BILLY LORD PUNCHARD; ROYAL CONTINENTAL

SUDAN AFRICA GOVERNMENT,
PLAINTIFF\APPELLANT,
Vs,

U.S. BUREAU OF LAND MANAGEMENT;
U.S. GENERAL SERVICES ADMINISTRATIVE;
U.S. GOVERNMENT(; PRESIDENT GEORGE W. BUSH)
DEFENDANT\APPELLEES.

PETITION FOR ORIGINAL JURISDICTION
UP FROM THE TENTH CIRCUIT COURT OF APPEAL
TO THE SUPREME COURT

PETITION FOR CERTIORAR REVIEW

DEF\ APPELLEE COUNSEL | PL\APPELLANT COUNSE.
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QUESTIONS PRESENTED FOR REVIEW

1. **Plaintiff-Appellant holding up-to-Date, Time Superior, Federal Mining Claim Lease Contracts.**

A. Q. Will the Court up hold (PL\APT'S) Superior (earlier in time) Federal Mining Lease Contracts

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DE\APE Property Sale DEED **infringe on** PL\APT Federal Mining Lease **Patent Rights** Contract.

B. Q. Will Court Order attempted Sales Deed null and **void ?**

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2. The App. Court **foot notes** disposition action refusal to grant Co- PL\APT (Foreign Investor)Case **due** Process Equal Protection **while attempts** to **Hide** DE\APE's **Failure** to Make **required RULE 4** Service **on all** PL\APTS.

Q. (A.) Is DE\APE failure to complete Brief-in-Chief Service requirement a **failure to State a Claim** up on which relief can be granted ?

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QUESTIONS PRESENTED FOR REVIEW

3. The App.Court **Foot Note** Statements having **no supported** Federal Medical Evaluated Fact, failed to render service for CO-PL\APT (**foreign Investor**) Brief –in-Chief.

Q. A. Was PL\APT Refused security in **Article IV** a violation of person, papers and affects.?

Q. B. Did interlocutory refused service violate Article 14th Amendment Immunities?

Q. (C) Did App. Court refused Protection action a lack of Due Process (Employment investment Trader) violate the**1964 Civil Rights Act** (Origin)?

Q. (D) Will the Court reverse the APP. Court's **Foot notes** Disposition Pursuant to **1871 Civil Rights Act** (treated Deferent, inconsistently from **England, Spain, and Japan**)?

QUESTIONS PRESENTED FOR REVIEW

4. Both DE\APEs (U.S. Departments, and U.S. Employees working in their scope) have **unwaved immunity.**

Q. (A) Pursuant to **Conspiracy** to treat PL\APTs **deferant** from Consistent Redress Cases being a violation of **1871** Civil Right ACT **;**Will the Court order APA **Immunity Waved?**

Q. (B) Against the **U.S. Government** Will the Court order Conspiracy Complaint stay Facing **("FTCA")?**

Q. (C) No matter if ("FTCA ") is the case jurisdiction Will Court Order **Unreasonable Seizure**(Amendment IV) of a Federal Mining Lease Property a Broken lease Contract?

Q. D. Will Court Order return of Property Rights to PL\APTs out right, purchased Free, Patented Free, returned water right, justly compensated ($),back rent, and with 50 years Barring of all Emminet Domained.?

QUESTIONS PRESENTED FOR REVIEW

5. Persons conducting the U.S. Departments have died, and **case issue have not been out** from under a **Federal Jurisdiction for more than 24 days. It's Timely.**

Q. (A) Will Court up hold PL\APT'S Right to Jury Trial?

Q. (B) Will the Court Order Case (remanded) back to District Court to face **settlement court ?**

Q. (C) Will Court Order returned Original Federal Mining Lease Property Rights with improvements to Patent 55 acres , to work land with Equipment, manpower, explosives , tools, and sell products for payment ?

6. APP. C. lack **Federal Mental Medical Evaluation Data Evidence** to support Prejudice Delusional (Fed.R.Civ. P. ,RULE 501) statements.

Q. A. Will Court Order all Lower Court Attempts at Charter Assassination Prejudice Dismissed in all Future Legal Actions?

QUESTION PRESENTED FOR REVIEW,

B.12(b)(1) DE\APE by failure to Make Reply –Brief Service (pursuant Appeal Court RULE)on All the PL\APT Parties named in complaint. **Did this failure to Serve on all** Parties constitute Failure to Challenge Subject Matter Jurisdiction for DE\APE dismissal Motion Purposes?

C. Q. Did DE\APE'S failure to comply with **Appeal Court RULE Civ. P. (RULE 4)** Service on **all** Parties constitute a failure to Defend against PL\APT Appeal in Court of Appeal ?

D. Q. Pursuant to DE\APE failure to comply with Appeal Court RULE for Service , and DC **Rule of Civ. P. ,RULE 4,** Which is comparable to Supreme Court requirements of RULE 14(b) all Parties Service. Will U.S. Supreme Court Order a overturn of Appeals Court Disposition, in favor of PL\APT?

PARTIES TO THE CASE

U.S. BUREAU OF LAND MANAGEMENT
U.S. GENERAL SERVICES ADMINISTRATION
Attorney for Department (BLM)&(GSA)
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Court Jurisdiction

This court has Jurisdictional pursuant to the U.S. Constitution , Bill of Rights ,**ARTICLE VII:**Trial by Jury; The Civil Right **Act of 1871,** ; Bill of Rights, **ARTICLE IV CONSPIRACY to** Unreasonable seizure ; be secure in papers; **ARTICLE V**: Lack of Due Process, and deprived of property;, this Court has Jurisdiction.

JURISDICTIONAL STATEMENT

This case is coming from the **tenth Circuit Court** of Appeals . Date of Disposition is **May 14,2006**.number **CV-o5-2233.**

This case was disposition in District Court Date **7,08,2005** number **CV-05-00010**

This case was filed in **Federal District Court** in **January 4,2005**

This Case came from the(IBLA) **Interior Board of land Appeals** , Number **IBLA 2001-239** on date ***March* 16,2004**. IBLA File *opening* was **8,15,2000.**

STATEMENTS ON LOWER COURT FOOT NOTES.

A. . The Court of Appeals had a issue that deals with Mining Lease Seizure. There is No Court Filing invoking Political question before the bench to review, nor evoking consummate of Political status nor Political evaluate the PL\APT(foreign Government) for Stock Investor or for trade or Mine Operations qualification . PL\APT paid good Green American Money for Stock, and is a PL\APT to this case. Court Violate the **1964 Civil Right Act. (National Oregon)**. Court is attempting to make determinations on the behalf of the U.S. State Department Jurisdiction . D.Court and Appeals Court Prejudiced the Mining claim issue because ' as Court Stated ! **no matter what Enterprise PL\APT has Internationally Lower Court will with hold Due Process protection and Justice**

PLEASE SEE: (EXHIBIT A) PAGE (App. 2) Foot Notes.

STATEMENT ON LOWER COURT FOOT NOTES

B. **The American Constitution forbid the Granting any Title of Nobility.** If one can not grant It also can not question for removal. Thus ' D.Court and Appeals Court's **made unlawful Mental Evaluation of PL\APT'S (Punchard a Citizen with Foreign Political Employment notification filed with the U.S. Department Justice) Foreign Political Enterprises Bias and Prejudicial to Equal Protection of the Law**. The Court have no Jurisdiction nor Federal Medical Evaluations Data to declare Delusional Foreign Political by any such declaration Named, or Such Active Members of PL\APT (Foreign Government) so Name,and Declared . It out side of lower Court jurisdiction. Their Court AEOLIAN Disposition was Governed by Doctrine of none delegation(lack of political Jurisdiction).

PLEASE SEE: U.S., V, BELMONT BANK , 301 U.S.

STATEMENTS ON LOWER COURT FOOT NOTES.

324 (1937) the opinion of J. Southerland Opion.....

We are of the opinion that... The Recognition, establishment of diplomatic relations, the assignment ,and agreement with respect thereto, were all part of one transaction, resulting in an international compact between the two governments. /and in respect of what was done here, the Executive had authority to speak as the sole organ of that government .....Our constitution, Laws and Policies have no extra-territorial operation,.....**PLEASE SEE: (EXHIBIT C).**

The two(2) lower court never considered the Appeal Issues of **Mining Lease infringement issue But**

STATEMENT ON LOWER COURT FOOT NOTES

'moved politically to act out side of its Jurisdiction as a Department of State Jurisdiction , or President Power. The lower court was never instructed by the President to Discrininate against PL\APT (Government). PL|APT last word from the President was the Administration shared PL\APT international concerns. U.S Government certified PL\APT "I.Q." as a genius understanding.

This case lack of Due Process of Law Review by lower Courts(2). **PL\APTMoves the Court to declare a** unlawful **U.S. Courts (2)attempt to join Conspiracy** to Violate the **1871 Civil Right Act** ; **The 1964 Civil Right Act**(against Foreign Work Trade); **14th Amendment** (Equal Protection of immunities) ; **5th Amendment** (due Process) violations. **Failure to make service, and The Lower Court Foot Notes is More than enough Evidence to**

Statements on Lower Court Foot Notes

over turn Both Lower Courts disposition.

Court of appeals seven pages of misleading , slander and skipping Due Process Foot Note against PL\APT (Government Investor)or cover up DE\APE'S failure to Serve under Rule 4 will not stand.. The RULE demand Court face the Rule 4 . Issue....Even right to a trile by jury, court failure to grant Due Process consideration the PL\APT (Foreign Government) stock investment because it's Co-Partie the Complaint. **The court issued a letter of reprisal**. Political status is not the confronting issue. Court chose this course of action to cover DE\APE Failure to make service (Rule 4) on Front Cover or interior Page .on PI\APT (foreign Government Investor) . Court prejudice PL\APT Name but' DE\APE **can not skip Rule 4 Service**.

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NOTICE

The Defendants|Appellee will be known as DE\APE

The Plaintiff\Appellant will be known as PL\APT

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MOTION

COME NOW' The Plaintiff\Appellant Moving the Honorable Court by Motion to proceed **PRO HAC VICE**

If Granted It Will Not Prejudice the Defendant\Appellee in any Way , and it would be consistent with Justice.

Plaintiff thank the Honorable Court

William Lord Punchard

William Lord Punchard Pro Se Counsel

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PRECEDUAL HISTORY

This mining lease was open in 1978 and proceeded with the Approval of the **both** Defendant\ Appellees (BLM), (GSA). This was a Defendant-Appellees (GSA) Mangease Ore Stock Pill At first . This land was place on the Federal List as **Surplus**

HISTORY

Property to be disposed off (sale) (1949).

Later by 1984 the GSA Stock Pill was gone,

In 1989 The DE\APE(Defendant-Appellee) "GSA" Petitioned the DE|APE (Defendant \Appellee) "BLM" to Appraised the Property Value, and Provide any Record Information on the Property. On and About May Of 1990 The DE\APE)(BLM) Return the Information to the DE\APE (GSA) (**EXHIBIT B**).

However the DE\APE (BLM) Over looked the PL\APT(Plaintiff\Appellant) 13 year Federal Mining Claims Leases On the Property.

The GSA then Sold the Property to the County , and the County then sold the Property to the Public. The Public hearing that the **PL\APT had Superior Claims** on the Property , and the Public wanting no **Legal Fray** over the Matter . The Public Donated the Property back

HISTORY

to the County. The **PL\APT Protested** the Attempted Deprivation to the County and to the Two (2) DE\APE . to no avail nor return of the Property. Finally ' The PL\APT was forced to go to Federal District Court. The District Court turn it down ,because' The Two (2) Present DE\APT (BLM),(GAS) being the root of the Problem was not included in the Case. The County now being protected by the **5th Amendment** of the U.S. Constitution **(Double Jeopardy)** now' was aided by a Barr.. This left the Two DE\APT (BLM),(GSA).. PL\APT went to Defendant\Appellee (BLM) **Inhouse Board of Land Appeals(IBLA)**that is operated by the **Department of the Interior.** ' **The (IBLA) Stalled CASE** for two (2) Years BY **(I.B.L.A)**.. I.B.L.A; erroneous disposition cause PL\APT to file a Complaint seeking, justice in **a jury trial.** Attempted Claim Jumping,Broken Contract made PI\APT

HISTORY

agreeved at the lack of the **Due Process** and the **Conspiracy to Deprive** PL\APT Filed the Administrativ Disposition in U.S. District Court.

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STATEMENTS OF THE CASE

1. The Filing of the Federal Mining Claim Lease by the PL\APT was with in Keep their Mandate of DE\Ape (GSA). They were ordered to dispose of the surplus Property (Sale), and the PL\APT Mining Claims affordec DE\APE a Lease agreement to **Patent (Sale)**under Mining LAW of 1870's. **No one** wanted it for 40 years until PL\APT found a way to cleaned off the **stock pile.**

2. This Case has **not been** out of anv Federal Jurisdiction More than 25 Days. **Because 'of DE\APE(BLM) Departments Stalling, not wanting to cooperate** with justice. They caused the Case to be

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STATEMENTS OF THE CASE

qualified as a **Conspiracy** to violations the Civil Right **of PL\APT**.

3. In district Court the **DE\APE** Never answered the Complaint summons. Instead they chose to Motion a dismiss based on a 10 day Rule. Never the Less" in the Lower Court and Appeals Court the DE|APE **chose to argue Bevins Act**, and Immunity from "(FTCA)attempt to cover their responsibility to answer the summons.

Because DE\APE treated **differently** the PL\APT there is a **1871Civil Right Act** been Violated **with** the **Conspiracy** the DE\APE have **no APA Immunity**.

PLEASE SEE : 42 U.S.C. A. Sec. 1983,1985(3)— Meredith, Vs, ALLEN County War Memorial Hospital commission, 397 F. 2d 33.

STATEMENT OF THE CASE

4. **DE\APE** and **D. Court** Claim Pursuant to **Fed.R.. Civ.P. 12(b)(6)**...failure to make a short statement will not Stand. **PLEASE SEE: U.S., Vs, DePugh, 452 F. 2d 915,** certiorari denied **95/s. Ct. 2452, 407 U.S. 921.ED.2d 805.(C.A. N.M. 1971)**....Indictment need not charge that each Member of the Conspiracy committed an overt Act; It's enough that one or more overt acts were committed by one or more of the Conspiracy . PL\APT

4. The Over looking of the PL\APT's Mining Lease being did behind closed Doors, and GSA Offices . It's a fact that some Employee did the transaction. DE\APE (BLM) was relied on for factual Information. However the fact show DE\APE(BLM) failed to give DE\APE(GSA) the True Records Information that included the

STATEMENT OF THE CASE

PLAPT. Federal Mining Leases. If So ' this would Be a **Bevins Act,** It is not with in their Job scope to make overt mistakes, and cover them up at great expense to the Government as this Conspiracy did. The Department must take some blame under **"(FTCA)". PLEASE SEE: McNAIR Vs, U.S. Postal Service 446 F.Supp. 1156** . jurisdiction of action against federal agency.

5. The Government's Is Responsible for it's Employees Attempt to unreasonable seize of Property without **Due Process.** N0 Departments of the DEAPE sought to Redress the Mistakes When told about the mistake. Treating PLAPT deference than consistent contract Redress . **A violation of Civil Rights Act of 1871. PLEASE SEE: 42 U.S.C.A Sec. 1983, 1985 (3)— Meredith, Vs, Allen County War Memorial Hospital Commission, 397 F2d 33 (C.A. Ky. 1968)**

STATEMENTS OF THE CASE

6. Both Lower Court acted with callous in granting a Dismissal Motion . Wrongfuly allowing the DE\APE to continue arguments **BEVENS ACT Vs"(FTCA)"** responsiablity . Which turn out to be a **Bait and Switch** foriam. While Ducking the question "Has the Federal Mining Lease Contract been broken "? It got pushed under "Attorney Redrick" with help from the D.Court.

7. This Departments is not a Person with Morality but! have Employee charged with responsibility to be Moral. **Imminet Domain** do not apply here because this Land remains Federal Land until the PL\APT is given a Patent. It's already declared **Surplus Land for sale.** The DE\APE had a first obligation to **allow PL\APT Patenting** sale pursuant to Federal Mining Lease Holder.

STATEMENT OF THE CASE

8. The Court of Appeals **lack-a-dasy attitude** on the subject of PLAPT'S Constitution Right to a Requested **Trial By Jury** is unacceptable. The use of the semantic Like **" "usually", Generally"** is not found in the **U.S. Constitution , Article VII. that confirms a Right to a Jury Trial.** Their attempt to explain away this Right Shows Incompetence and their inability to grasp the gravity of Justice .

9. The D.Court's **over zealously** examination Pursuant to **RULE 12 (b)** carried her to fare, and compounding violations Pursuant to Fed.R. Civ. P.**RULE 401** Because' She is not the **Tryer of Fact.**

D.Court had no Grounds Pursuant to RULE * to Declare lack of Jurisdiction .Civil Rights Act of 1871 , and **Meredith , Vs, Allon**

STATEMENTS OF THE CASE

County War Memorial Hospital Commission 440 F.2d 338, Show that PL\APT **could hold a Action**. The **D.Court Rule 8** Disposition was a error. **DE\APE (Gov.)** has **NO Immunity In this case** , and faces **jurisdiction subject** matter. Return property Patented with Free process, and General Compensation ($) Granted PL\APT for Damage (covering up) loss of three (3) Mining Shaft 90 FT. Deep. DE\APE Violated (**42 U.S.C.A.Sec. 1985(3), 1983.)** PL\APT should have Right to their income.

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ARGUMENTS FOR GRANTING

1. The App.C. al so failed to name all App PL\APTs, thus' making a introlocotory APP.C. findings.

PLEASE SEE: (EXHIBIT A). App.C. disposition Heading. With out address for All PL\APTs the Broken Mining

ARGUEMENT FOR GRANTING

Contract. Attempting to cover for RULE 4 Violations. Return of the Property should not be based ON PLVAPT Name , But on **First Lease Holder** RIGHTS is enough. **Bevens Act** do not apply . PLVAPT were treated unreasonable deferently than consistence Pass cases. Making this a **("FTCA")** Action. DE VAPE**(U.S. Government)**action of conspiracy violated the Civil Rights 1871 Act . No APA Immunity where there is Conspiracy action. **PLEASE SEE: Meredith V, Allen county WarMemorial Hospital Commission (C.A. Ky. 1968).** Mining Lease holder has older Right over the Conspiracy. Property should be returned.

2. The U.S. Government is the proper **DEVAPE** to**"(FTCA)".** Employee Department transaction error **was improper ; While working with in job scope. Bevens Act** did

ARGUMENTS FOR GRANTING

nothing but turn the spear over. **Please See:(Exhibit B)**

Bevens position is second where including Department actions causing the Conspiracy First. **U.S**. Government responded with out attempted due process Redress..

PLEASE SEE: INDUSTRIAL Bldg. Materials, Inc. Vs, INTERCHEMICAL CORP., 437 F.2d1338

....**One** who enters a conspiracy late, with knowledge of what has gone before, and with intent to pursue the same objective, May be charged with preceding acts in furtherance of the Conspiracy. **(C.A. Cal.1970).**

3 . The **DE\APE failed to Address , Serve All of the PL\APTs** with a Appeals Court **Reply BRIEF-IN-CHIEF**

PLEASE SEE: on Web , DE\APE's Reply Brief Cover.

This presented a failure to State A Defense for Dismiss

ARGUMENTS FOR GRANTING

Motion up on which relief could be Granted. **Fed.R. Civ. P. 12 (b)(6) . This is not a harmless error. That Service Failure lost DE\APE the case.**

(A). App. Court's failure to consider PL\APT Lease Issue , his bases has no **Support of any Federal Medical Evaluation report. It is a cover up for DE\APE failure to make Reply Brief service (Rule 4.).**

Yet! Appeals Court push the DE\APE Failure (Foot Note) a Side with a disposition against the PL\APT.**PLEASE SEE: (EXHIBIT** A) PAGE(APP. 1).

3. DE\APE attempt to treat the PL\APT and his Federal Mining Lease deferent than usual consistent attention is overt. The DE\APE (Gov.) claiming "APA" Immunity But'.only Their Departments , Employee in Job Scope has Immunity after disclosed of **Civil Rights 1871** Act with **conspiracy. Merdith , V, Allen. Etc.**

ARGUMENTS FOR GRANTING

The Appeals Court claim that the immunity of the Government holds even against **Section 1983. Meredith Vs. Allen Etc**. places the **condition of the Class** of Civil Right 1871 as the **turning point** when combined with a Conspiracy Acts.. A Action can be Held which means the Government has no Immunity when applying Standard for equal Protection of the Law .

4 Appeals Court claim that Plaintiff Failed to argue raised "(F.T.C.A.) is misleading . Government is challengable on Constitutional Grounds If It's Civil Rights Acts. The PLAPT Opening Claims in District Court was based on the DEAPE (I.B.L.A.) Administrative Disposition Report Filed. (PLAPT claims pursued the Constitutional Line of Defense against the Board's Report. PLAPT later Defended against the Bevens Act

ARGUMENTS FOR GRANTING

and "(F.T.C.A.) and APA Immunity in district Court , and Court of Appeals. All Based on Civil Right Violation and the Constitution.

The Questions of the **"(FTCA)"** And the **BEVINS ACT** was raised **EX Post Fac'to** to the (I.B.L.A.) Administrative Board Disposition. The DE\APE in their defense of "APA" did so. ..The DE\APE (I.B.L.A.) Administrative Board Never Raised a"(F.T.C.A.)"Defense in their board Disposition. PL\APT Challing to the "(F.T.C.A.)."was **a Article IV Amendment** Right (Unlawful Seizure). PL\APT Compounded this Challing to "(F.T.C.A.)" and APA in Court of Appeals.

5. Fact show that DE\APE did not comply with the requirements of the Court of Appeal **RULE 4.** (making Service) and chose to not File

ARGUMENT FOR GRANTING

a Reply Brief-in-Chief to all PL\APT.

It is clear this appear to be a **second Position Late** Conspiracy Setting for (F.T.C.A.). **Joining late Another violation of Civil Right (1871) Act Instantly**. Employees **Knew the mistake while** work inside of their scope. Government should **shoulder all** blame for **later promotion** attempting to cover the wrong **Late**. While Employee immunity allow them to Flee from the Doctrine **of Intent to treat . PLEASE SEE: McNair , Vs, U.S. Postal Service 446 F.Supp.1156;** Never the less the Lease Contract **was Broken** and Property was **Unreasonable Seized** .

6. D.Court and Appeals Court **lax-a-daisy view** of the **Constitution Article VII** shows incompetents to take over of the **Requested Trial By Jury,** violated the

ARGUMENTS FOR GRANTING

PL\APT Constitutional Rights. D.Court is not the **Tryer of Fact** in jury trials. She treated **with deference** the PL\APTs. She violating Fed.R.Civ.P. **RULE 401. Both Lower Court** failed to Due Process Protect. PL\APT Property should be returned with compensated ($)

7. PL\APT Filed for a Patent (10) Pursuant to Federal Mining Lease Contract Rights, and the **DE\APT (BLM) refused to Honor the Mining Lease Agreement (1873** mining Law.) DE\APE Attempted to enforce their Conspiracy in make a erroneous (Bogus) Attempt To Sell the Property Work. **Over Looking Mines** Value. **PLEASE SEE: (EXHIBIT B). Page App. 2.** PL\APT Petition to Patent the Claim of Disposal of Surplus Property (1949). Because of Cost of Defending PL\APT Rights here in the Court should prompt Order Property Patented fee Free to PL\APTs.

DAMAGES TO PROPERTY

DE\APE caused Damage the three(3) 180 to 90 FT Shaft (Spanish Gold Mines),(covered up with bull doser). value of about $18 Million. DE\APE.. Standing North of Old Mexico was flatten The oldest Spanish Ft. PL\APT have been moved off the Property by the Wood be Owners. Depriving the Use of the up to date Mining Claim Lease and Property. **PL\APT Move the Court for the Property return in tack, Patenting Fee Free most of all**; the value of the Mine Shafts (18, Million); I Ask For the Historical Value amount of the Old Spanish Ft. $3 Million ; For Braking the Federal Lease Contract $10. Million; and conspiring to violate Civil Rights I ask for $10.Million ; I ask for punitive Awards in amount $18 Million ; I ask for Back Rent (6 years) at 1.8 Million per year; Or **what ever the Honorable Court thinks is right and Just and fair.**

CONCLUSIONS

DE\APE attempted to Break Federal Mining Lease Contract with out probable Cause. Such unreasonable Seized against PL\APT Papers which PL\APT Should have Secure Right; DE\APE violated Constitutional **Article VI Bill of Right** by attempting to circumvent the Federal Mining Leases; Such is **unreasonable Seizure**; DE\APE **Failure** to **name, Make service** with **Appeal Court Reply Brief-in-Chief** on all PL\APT is a Violation of **RULE 4.** required. The failure constitute a failure to present a cause up on which relief could be granted supporting any Motion to dismiss; **DE\APE shows he lack cause to defend;** All Federal Mining Leases **up to date** Lease holder has the **Lease Right to the Property** and its use ; Patent patent is a part of the Federal Mining Lease Act, and can not be circumvented

CONCLUSIONS

or abridged, **therefore'** cannot be halted, Patenting (10 Claims) fees is Free to Lease Holder, and no **applied working** Conditions restrictions; **Eminent Domain** do not apply because, Property has been deem surplus Property for disposal, meaning sold by any lawful objective; **Consistent With justice should read** :Foreign Investor retain his value; NO STATE, Sub-State nor City Attempting to raise Eminent Domain ,Mining Questions is Barred, and is considered with out Merits; All tenants on the property due to the DE|APE attempted Sale is Evicted**, with out removal**, **damaging** the improvements Structures Works presently Tied down nor install; All Private Water Rights Purchased By Government returned and or remain; settlement court set in ("FTCA"). iust compensation ($)prevails for Damages ($), land use back Rent ($) caused by the DE\APE paid PL\APT Promptly. Four Moving

CONCLUSION

elements for Court, *1. The DE\APE failed to make service on **all** named PL\APT **on Front cover** or **Interior index; A Rule 4** Mailing service requirement ,*2. **No** APA Immunity Where treatment violated **1871 Civil** Right Act, with Conspiracy intent; *3. Government failing to attempt to **redress** broken Contract lease Issue **EX POST FAC'TO** Thus' **joining lately** to consolidating Conspiracy, *4. App.C. **Foot Note** Failure to **due** process **address any CO-PL\APT Issues,** his actions had **no** delegated jurisdiction to revoke (**Article I. Sec.10.(1)(** nobility), nor supported based Data of Federal Medical Evaluation Evidence pursuant to **RULE 501.**

Thus' Respectfully submitted for the Honorable Court Review. The PL\APT thanks the U.S. Supreme Court.
8\8\2006 Billy Lord Punchard

Billy Lord Punchard Pro Se **Counsel**
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I Certify that I have Mailed the DE\APE a copy on Date 8/28\2006 Billy Lord Punchard Billy Lord Punchard , Pro Se Counsel

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

BILLY PUNCHARD,
Plaintiff,
Vs, (No. CIV 05-0010 LH/RHS

UNITED STATES BUREAU OF LAND MANAGEMENT, et al,
Defendant.

ORDER

THIS MATTER came before the Court on the Defendant's motion to dismiss (Docket No. 9), filed April 19, 2005. The Court , having considered the pleadings submitted by the parties, the applicable law, and other *wise being fully advised, finds that the motion is* **well taken** and should be granted.

The Plaintiff's complaint, to the extent that it can be deciphered, asserts a claim for money damages in excess of $10,000 for the transfer of certain lands to which the Plaintiff alleges he owned mining claims. This Court 's Jurisdiction is limited to claims "not exceeding $10,00." 28 U.S.C. /SEC 1346(a)(2). Exclusive jurisdiction over the Plaintiff's claim lies in the Court of Federal Claims. 28 U.S.C. Sec. 1491. The Defendants' motion regarding this claim, pursuant to Fed. R. Civ. P. 12(b)(1) is therefore granted.

The Plaintiff also appears to be pursuing some sort of constitutional Tort Claim. As the Defendants pointed out, however, they have not waived their sovereign immunity from such claims.

(APP. 0)

IT therefore fails to state a claim upon which relief can be granted and will be dismissed. FED. R. Civ. P. 12(b)(6).

Although he does not cite the Administrative Procedures Act, 5 U.S.C. Sec. 701,et seq.; the Plaintiff complains of certain administrative decisions the Defendant agencies made. The APA does not wave sovereign Immunity for claims for money damages. 5 U.S.C. Sec. 702; New Mexico V Regan, 745 F.2d 1318, 1322(10th Cir. 1984). The Plaintiff's claim is also time-barred by the statute of limitations. 28 U.S.C Sec. 2401(1).

The Defendants also seek dismissal, pursuant to FED. R.CIV. P. 8, of any other claim they may not have elucidated in their Motion. To the extent that the plaintiff intended to plead claims not previously discussed , the Court finds that his complaint failed to set forth " a short and plain statement for the claim showing that the Pleader is entitled to relief" or " a demand for judgement for the relief the pleading seeks." FED. R. CIV. P. 8(a). As the Plaintiff has not alleged additional intelligible claims, however, there is nothing for the court to dismiss.

IT IS, THEREFORE, ORDERED that the Defendants' motion to dismiss is granted.

IT IS FURTHER ORDEDED that the Plaintiff's Complaint is dismissed with prejudice.

IT IS SO ORDERED.

LEROY HANSEN
SENIOR UNNITED STATES DISTRICT JUDGE
(APP. 0.A)

(EXHIBIT A)

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

BILLY LORD PUNCHARD, **May 18,2006**
Plaintiff-Appellant,

V,

THE UNITED STATES BUREAU OF LAND MANAGEMENT; U.S. GENERAL SERVICES ADMINISTRATION , u.s. General Services administration, (President George W. Bush; Republic of the United States of North America), Defendant \Appealees.	No.-05-2233 (D.C. No. –5-10-LH/RHS) (D.N.M.)

ORDER AND JUDGMENT

Before Kelly, Briscoe, and Lucero, Circuit Judge.

After examining the briefs and Appellante record, this panel has determined unanimously that oral argument would not materially assist the determination of the appeal. See Fed. R.App.P. 34(a)(2); The Case is therefore ordered submitted with out oral arguments. This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; never the less; an order and judgment may be cited under the terms and conditions of 10th Cir.R.36.2.

Plaintiff Billy Lord Punchard' appeals from the District court's order dismissing his complaint with perjudice on various grounds, Punchard also has filed a number of motions, including a notion for a writ of mandamus. Exercising jurisdiction pursuant to 28 U.S.C.A. Sec.1291, We **affirm** the district court's dismissal and **deny** his motion.

Altough Punchard's complaint, like most of his papers, is difficult to understand , it appears he claims that the Bureau of Land Management("BLM") and the General Services Administration ("GSA") conspired unlawfully to deprive him of unpatented mining claims he established in 1978 on land in Deming, New Mexico , by denying him a patent and selling the land to Luna County Commission in 1990. The complaint appears to set forth claims of an illegal seizure under the Fourth Amendment, A taking or Due Process violation under the Fifth Amendment, A violation of the Civil Rights Act of 1871, 42 U.S,C.A Sec, 1983, and a breach of contract claim concerning a mining lease. Punchard request the return of his mining claims or compensatory damages in

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*1. Punchard styles himself as a representative of his "co-appellant," the Royal Democratic states of continental Africa Government. Nothing that this government entity *is non-existent , a panel of this court affirmed* a district court conclusion that Punchard's claim to be its representative is delusional. See Punchard V. New Mexico, 56 Fed.Appx. 443,444(10th Cir. 2003)(unpublished). Accordingly, We disregard any reference of argument Punchard makes that depends on that entity's alleged existence.

*2. It appears that Punchard also Named the u.s. and President George W. Bush as Defendants

the sum of $28 Million and Punitive damages of 20 Million. In the alternative, he requested a piece of property in Fort Wingate, New Mexico.

Defendant moved to dismiss the action pursuant to Fed. R. Civ. P. 12(b)(1),(6) for lack of subject matter jurisdiction and failure to state a claim upon which relief can be granted , and pursuant to Fed. R.Civ.P. 8(a) for failure to set forth a short and plain statement of the claims . The district court granted the Motion on all grounds, and this appeal followed.

We review de nova the district court dismissal of an action for lack of subject matter jurisdiction and failure to state a claim upon which relief can be granted . u.s. West , Inc. VS, Tristani, 182 F. 3d 1202,1206(10th Cir. 1999; Sutton, Vs, Utah State Sch, for the Deaf & Blind, 173 F.3d 1226,1236 (10th Cir. 1999). We review a dismissal based on Rule 8 for an abuse of discretion . Kuehl VS, FDIC, 8 F.3d 905, 908(1st Cir. 1993). Because Punchard appears Pro Se, We review his pleading and other papers liberally and hold them to a less stringent standard than those drafted by attorneys. See Hains V. Kerner, 404 U.S. 519, 529 (1972); Hall V, Bellmon, 935 F. 2d 1106, 1110 & n.3 (10th Cir.1991.

Punchard's initial arguments on appeal , reiterated in his request for a writ of Mandamus, is that defendants never filed a timely answer to his complaint. Therefore , he concludes , defendants have conceded this suit. The district court implicitly rejected this argument, and we conclude that it lack merit. The record indicate that Punchard filed his complaint on January 4,2005, and served it on the BLM and the GSA on January 11, 2005. It appears that punchard may have served the United States Attorney's office on February 24 or 25, 2005.

Defendant had sixty days from that date, or until April 24 or 25, to file an answer of otherwise respond to his complaint . SeeFed.R.Civ.P.12(a)(3)(A) (providing that an agency of the United States has sixty days to file an answer as measured form the date on which the United States Attorney is served). Defendants' April 19 , 2005, motion to dismiss was timely filed in lieu of an answer. See Fed. R. Civ. P. 12(a)(4).

We discern several other arguments in Punchard's disorganized appellant brief. First , he contends the district court erred by determining that defendants are immune from his conspiracy claims under 42 U.S.C.A. Sec. 1983; instead Punchard's claim is governed by Bevens V, Six unknown named Agents of Federal Bureau of Narcotics, 403 U.S. 388(1971, in which the Supreme Court recognized an implied cause of action against federal actors in their individual capacities for deprivation of Fourth Amendment rights. Id. At 389. Bevens Action lie only against federal actors in their individual capacities, not in their official capacities and not against the federal agencies for which they work . see Steel V, Ded. Bur.of Prisons, 355 F.3d 1204,1214 (10th Cir. 2003).

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*3.We need not resolve the discrepancy between what may have been service on the U.S. Attorney by certified mail on February 24 or 25 , 2005 and the Date that accompanies the signature of the clerk of the court, March 25,2005. For the sake of argument, we assume service was completed on February 24 or 25.

Punchard has not named any federal actors in their individual capacities. Even if we treat his complaint as setting forth a claim against the President in his individual capacity, it fails because Punchard has not alleged personal participation by the President , as *required in a Bivens Action.* See id. Accordingly the district court properly dismissed this claim for failure to state a claim on which relief can be granted ,

Punchard argues that his conspiracy claim under Sec. 1985 some how falls under the Federal Tort Claims Act , 28 U.S.C.A.Sec., Sec. 1346(b), 2671-2680 ("FTCA"). Therefore, he reasons, sovereign Immunity is not a defense. Punchard did not argue in the district court that he was asserting a claim under the FTCA, and one is not evident even from a liberal reading of his complaint , therefore he has failed to preserve this is due for appellate review. See Walter V, Mather(In re Walker). 959 F.2d 894, 896 (10th Cir. 1992). Even if we consider his argument , his conspiracy claim is predicated on a constitutional Tort, the Alleged seizure or taking of his mining claims in violation of the fourth or Fifth Amendment. Constitutional Tort are not cognizable under the FTCA> FDIC V, Mayer, 510 U.S. 471-78 (1994). Accordingly, he has not stated an FTCA Claim on which relief can be granted.[4]

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[4] Punchard also take issue with the district court ;\'s conclusion that , under 5 U.S. C. Sec. 702, the United States has not waved sovereign immunity against claims seeking money damages that arise under the administrative Procedures Act ("APA"). He argue that his claim arises under Sec. 1983 (Which we have

(continued....)

Punchard has not challenge the district court's conclusions that to the extent he seek monetary damages in excess of $10,000, the United States Court of Federal Claims has exclusive jurisdiction over his takings Claim against the United States Pursuant to the T tucker Act 28 U,S.C.A. Sec. 1346(a)(2) & 1491; a conclusion with which we agree. Although we may transfer a case to the Court of Federal Claims pursuant to 28 U,S,C, Sec. 1631 When it is in the interest of Justice, we decline to do so here because Punchard's takings claim accrued no later than 1990 and is barred by the six year statute of limitations for actions against the united states set forth in 28 U.S.C. Sec, 2401(a)

Based on our review of Punchard 's complaint, we find no abuse of discretion in the district court's decision to dismiss any other claims that may be set forth in the complaint for failure to comply with Rule 8's short and Plain Statement requirements.

Punchard's argument that the district court judge had no power to grant the motion to dismiss because Punchard asked for a Jury Trial has no Merit. Actions against the United States generally are tried to the court, not a jury, See 28 U.S.C. Sec. 2402. In any event, a district court has the authority to hear and decide Defenses raised under Rule 12(b) prior to Trial, ee Fed.R.Cov.P. 12(d).

(...continued)
treated as a Bivens claim and rejected), and that the United States has no immunity against such claims. See April. Opening br.at 7. We construed this argument as an admission that Punchard does not seek relief under the APA and address the Issue no further.

Christensen Vs, Ward, 916 F.2d 1462,1466 (10th Cir, 1990)(holding that seventh Amendment right to jury trial not violated by court's dismissal for failure to state a claim pursuant to 12(b)(6)because , as a matter of law, complaints failed to present an issue for trial); Rosemound Aand & Gravel Co. Vs, Lambert Sand & Gravel Co. , 469 F2d 416, 418 (5th Cir. 1972)(holding that seventh Amendment right to jury trial not violated by Court's dismissal for lack of jurisdiction).

Punchard is not entitled to mandamus relief because his direct Appeal provides him an adequate opportunity to obtain the relief he request in his mandamus Petition . See United States V, West, 672 F.2d 796,799 (10th Cir. 1982). In his motion to compel, Punchard request this court to order defendants to provide the relief he seeks in his complaint as some sort of settlement. This court lacks jurisdiction to compel defendants to enter a settlement. This court lacks jurisdiction over his mition to open an international duty-free trade zone. We deny his motion for a prmanent injunction againsst removal of any improvements to the land at issue in this case because he has not shown actual success on the Merits. See Fisher V, Okla. Health Care Auth., 335 F.3d 1175,1168, (10 th Cir. 2003)

The judgement of the district court is AFFIRMED and Punchard 's Pending Motion are DEN IED.

Entered for t he court
Carlos F. Luccero
Circuit Judge

(EXHIBIT B)

UNITED STATES Department of the Interior
Bureau of land Management
NEW MEXICO STATE OFFICE
P.O. Box 1449

November 6. 1989

Mr. Charles D. Thomas
Director of Real Estate Sales
General Services Administration
819 Taylor Street
Fort Worth, TX. 76102

Dear Mr. Thomas:

In Accordance with the Department of the Interior /General Services Administration Memorandum of understanding, the following recommendation is submitted concerning 56.88 acres in Deming , Luna Counties, New Mexico. Our district evaluation report is enclosed .

A review of the available literature and an field exam indicate that the lands are valuable for common fill materials and have only nominal value . We recommend that the mineral estate associated with the parcel be disposed of by the Federal Government. The Market value of the Federal interest is estimated to be $10.oo Per acre, or approximately $560.00 for the 56.88 --acre tract. If further assistance is necessary, Jim Heisler, Chief, Branch of Appraisals and Evaluation, may be contacted at (505) 988-6241 or FTS 476-6241.

Sincerely,

Gilbert G. Lockwood
Deputy State District, Mineral Resources

(EXHIBIT C)

U.S.

<SEAL> UNITED STATES DEPARTMENT OF STATE

Washington, D.C. 20520 April 29,2003

Dear Mr, Punchard

The White House has asked me to respond to your letter to President Bush about Sudan.

The Administration shares your concerns for the Peoples of Sudan who have suffered aerial bombing, slave fading, forced Displacement, and religious persecution as a result of the 20 years conflict. We believe the opportunity to end these human tragedies is possible by *securing a just and lasting peace.*

We are encouraged by the peace negotiations in Kenya between the warring parties, the Government of Sudan and the Sudan Peoples's Liberation Movement/ Army (spim/a).

Both parties signed an agreement in October 2002 to cease hostilities and allow unimpeded humanitarian access to all areas of Sudan. As a result, aerial bombardment has ceased Fighting has been reduced , and some previously unreachable areas are now receiving Food aid. .....

.....in support of peace talks , the u.s. established a Civilian Protection monitoring Team (CPTM) to investigate attacks on Civilians,.....

.....The President signed the Sudan Peace Act in to Law October 21 and the Administration is actively engaged in realizing it's goal. A just and lasting peace for all the peoples of Sudan,.....

Sincerely,

Ambassador Michael Ranneberger, special advisor for Sudan Bureau of African Affeirs. (APP. 13)

PUBLISHER'S NOTE

Petitioner did not file Appendixes D and E to the Court

(EXHIBIT G)

McNair V, U.S. Postal Service, 446 F.Supp. 1156

Action was instituted on complaint against the Postal Service and an employee thereof for injuries sustained by plaintiff when struck by a vehicle controlled by the employee. On motion of defendants to dismiss, the District Court , Wm. Matthew Byrne, Jr. , J., held that : **(1)** district court did not have subject matter jurisdiction to entertain claim against the Postal Service since it was a federal agency and , hence the exclusive remedy was the Federal tort Claims Act and the appropriate defendant was the United states, **and (2)** District court also lacked jurisdiction with respect to individual defendant in that the plaintiff alleged that individual was acting within their purpose and scope of her employment with a federal agency and the only remedy available was an action against the United States.
Motion Granted .

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(EXHIBIT F)

(C.A. Ky. 1968) Although defendant physicians, individual members of county hospital commission, did not exercise government power of the commission. Plaintiff hospital medical staff member could never the less maintain an action against the physicians under Civil **Rights Act of 1871,** Since the complaint charged that they conspired with state officials to deprive plaintiff of equal protection of the law by applying standards to him **deferent than** those applied in other staff physicians. **42 U.S.C.A. Sec. 1983, 1985(3)—Meredith, V, Allen County War Memorial Hospital Commission**, 397 F.2d 33.